

United States Senate

WASHINGTON, DC 20510

December 17, 2007

The Honorable Michael B. Mukasey
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Mr. Attorney General:

On December 4, 2007, the Senate Judiciary Committee held a hearing entitled “Electronic Prescribing of Controlled Substances: Addressing Health Care and Law Enforcement Priorities.” The principal topic of discussion was the timing and content of expected Drug Enforcement Administration (DEA) regulations permitting the electronic prescription of controlled substances (EPCS).

The electronic prescription of *non*-controlled substances has led to improvements in health care quality by reducing dosage errors, notifying providers of potentially harmful drug interactions, and improving care coordination. In addition, e-prescribing has led to impressive cost savings by allowing providers to tailor prescriptions to patients’ insurance formularies, leading to increased generic use, and avoiding costly medical errors. For these reasons, Health and Human Services Secretary Leavitt has made faster implementation of electronic prescribing a serious part of his health information technology agenda.

DEA regulations permitting EPCS have been delayed for years, inhibiting wider uptake of e-prescribing, and postponing the realization of this technology’s benefits. Of course, any such regulations must account for the important needs of DEA and other law enforcement agency officials to prevent, investigate, and prosecute drug “diversion,” which is a serious, and growing, problem. We are convinced, however, that existing technology could not only satisfy DEA’s needs, but actually *strengthen* its ability to combat diversion.

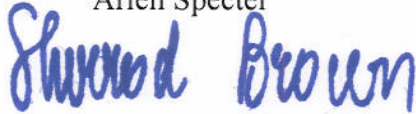
Witnesses at the December 4 hearing insisted that EPCS would help law enforcement by: 1) allowing real-time tracking and monitoring of prescriptions, 2) aggregating data to quickly detect irregular patterns of activity, 3) creating an audit trail of what is sent and by whom, and 4) providing automatic alerts of abusive behavior. David Miller, the Chief Security Officer at Compuware Covisint, a technology firm that is already a Department of Justice (DOJ) security vendor, stated that “electronic transactions, whether on the Internet or over a private network, offer us the best alternative today. . . . any e-prescribing technology is going to be more secure than the paper-based system that is currently used.”

We urge you to review the history of the EPCS issue, including whether DEA has any existing platforms for securely transmitting information in the health care community. To facilitate your review, we have also attached the transcript of Tuesday's hearing. It is our belief that both the health care and law enforcement communities would benefit greatly from a secure EPCS system, and that technological solutions are at hand. We urge your prompt attention to this matter, and request that DEA issue regulations for EPCS as quickly as possible.

Sincerely,



Arlen Specter



Sherrod Brown



Maria Cantwell



Susan M. Collins



Lindsey Graham



Edward M. Kennedy



Herb Kohl



Sheldon Whitehouse



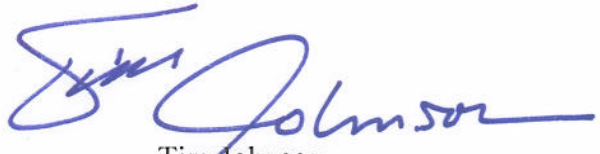
Richard Burr



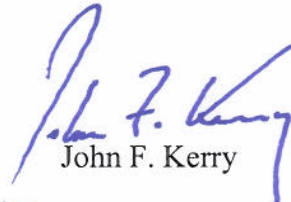
Tom Coburn



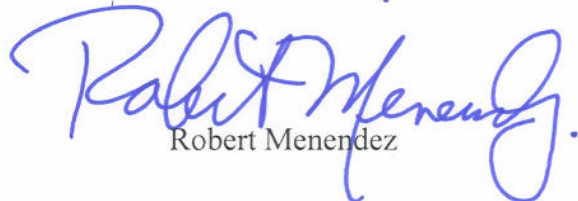
Richard J. Durbin



Tim Johnson



John F. Kerry



Robert Menendez




Barack Obama



Debbie Stabenow



Ron Wyden



Jack Reed



John Thune